UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/SR.66
5 December 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 66th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 19 April 2001, at 6 p.m.

Chairperson:	Mr. DESPOUY	(Argentina)
later:	Ms. FILIP (Vice-Chairperson)	(Romania)
later:	Mr. DESPOUY (Chairperson)	(Argentina)

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GE.01-15826 (E) 301001 051201

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The meeting was called to order at 6.15 p.m.

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

(a) TREATY BODIES

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(agenda item 18) (continued) (E/CN.4/2001/6, 13 and 97-101; E/CN.4/2001/NGO/17, 21, 102 and 128)

1. Ms. EH-SOON TAY (Australian Human Rights and Equal Opportunity Commission) paid tribute to the Office of the High Commissioner for Human Rights for all the assistance it had provided to national human rights institutions at all stages of their development. That assistance had been particularly important in promoting the development of regional alliances in the Asia-Pacific region. National institutions were now an established part of the international human rights framework and were in a position to make a significant contribution to events such as the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Australian commission had been actively involved in the preparations for the Conference, having established itself as an independent body with particular expertise in forms of racism that affected minorities and indigenous peoples. Among its many activities, it oversaw the submission of an annual report to the federal Parliament on the enjoyment of human rights by aboriginal people, it had recently published a guide to frequently asked questions on racism and it would soon be hosting a conference on reparation mechanisms for communities affected by the forced removal of children. In the run-up to the World Conference, it would also be hosting a national summit on civil society and racism, preceded by a one-day youth summit. It would then feed the outcome of the World Conference into a national conference on racism. The importance of the independent role of national institutions in combating racism had been widely recognized, not least by the High Commissioner herself. It was therefore vital that they should be able to speak, propose amendments to the declaration and programme of action and vote at the World Conference.

2. Ms. Filip (Romania), Vice-Chairperson, took the Chair.

3. Mr. BACQUET (Commission nationale consultative des droits de l'homme, France) said that national human rights institutions could easily be seen as just another form of collegial public body. Indeed, since their objective was to defend human rights which had only been acquired after a sometimes violent struggle with Governments, there was reason to be sceptical about the relevance and efficacy of official human rights institutions set up and funded by States. However, they offered the major advantage of having influence with Governments and enjoying the respect of the general public, while the disadvantages of being an official institution could be overcome if their independence was guaranteed by law and demonstrated by their conduct. Provided that the Principles relating to the Status of National Institutions for the Promotion and

Protection of Human Rights ("Paris Principles") were observed, national human rights institutions could complement the work of non-governmental organizations (NGOs) and play an effective role in the promotion and protection of human rights.

4. The statutory task of the French commission was to give advice and make recommendations to the French Government on a wide range of subjects in the field of human rights and humanitarian aid at both the national and the international levels. Its independence was guaranteed by the fact that its findings were made public, its members were volunteers who could not be removed during their tenure and, above all, it was able to investigate cases on its own initiative. One of its main concerns recently had been the need to build a democratic and united Europe based on respect for human dignity and a determination to combat racism and all forms of discrimination. It stressed the importance of consolidating the progress made possible in the field of human rights by the European Convention on Human Rights and had made many practical proposals for reforming the way the European Court of Human Rights worked in order to make it more effective.

5. However, the commission's focus on human rights in Europe did not mean that it was ignoring the rest of the world: it was only too aware that the rights set forth in the European Union's Charter of Fundamental Rights were universal in nature and that the fundamental principles of human rights were not relative or specific to particular regions, even though they might take account of cultural and religious diversity. European States must therefore guarantee those rights, including the right of asylum to everyone within their borders, in accordance with the 1951 Convention relating to the Status of Refugees.

6. Mr. OLGUÍN URIBE (National Human Rights Commission (CNDH), Mexico) said that neither the complete independence of CNDH and the Ombudsman nor the completion of the transition to democracy and the recent change of government in Mexico meant that the old shortcomings of the civil service and law enforcement agencies had been overcome or human rights violations eliminated. Tackling those problems required a proactive approach, an emphasis on prevention and continued efforts to establish a true human rights culture. For that reason, CNDH was involved in the main activities aimed at establishing the rule of law in Mexico, including the month-long march by the National Liberation Zapatista Army from Chiapas to the capital and back, in the course of which it had heard the complaints and demands of the people in the towns visited.

7. The CNDH Chairman had contributed to the drafting of the constitutional amendments drawn up by the Commission for Concord and Pacification (COCOPA), reflecting the San Andrés Agreements. He had stressed that the constitutional recognition of indigenous rights was intended to guarantee respect for their human rights, recognition of their cultural diversity and acceptance of their social structures and their right to self-determination. He had also suggested that a regulatory law should be prepared to define the main concepts, including the concept of an indigenous people and that of a community as a legal entity, and to clarify differences between certain indigenous customs and Western concepts of democracy and law.

8. CNDH was campaigning for a human rights approach to immigration problems by both sending and receiving States, on the grounds that the protection of human rights did not hamper controls on illegal immigration. It was pressing the United States Government to abandon all

border controls that endangered the lives of migrants and violated their rights, particularly its so-called Operation Gatekeeper, and to punish vigilantes "hunting" illegal immigrants. At the same time, it called for migrant workers in Mexico to be treated humanely and without discrimination of any sort.

9. CNDH cooperated with other national human rights commissions in promoting the concept of an independent ombudsman operating strictly on the principles of legality, justice and equity and had taken part in the establishment in November 2000 of the Network of National Human Rights Institutions of the Americas. At the fifth annual congress of the Ibero-American Federation of Ombudsmen, held recently in Mexico, concern had been expressed over the chronic problems impeding development and denying peoples their right to a decent living in a society free of poverty, insecurity and discrimination. For its part, CNDH would continue to fight alongside NGOs to prevent racism, xenophobia and intolerance.

10. Mr. NSOPE (Malawi Human Rights Commission) said that the Malawi Human Rights Commission had a broad mandate to promote human rights and investigate human rights violations on its own initiative or upon receipt of complaints. In its relatively short existence, it had investigated a wide range of complaints in areas ranging from access to justice and labour rights to land disputes and the rights of the child. It had itself initiated investigations into the death of Kwacha Ghambi, a prisoner who had died after being assaulted by prison warders, and into a scandal involving a national examination board. The commission's recommendations had been publicized and sent to the relevant authorities.

11. The commission was also committed to ensuring that the laws passed by parliament were in conformity with international human rights standards and had already drawn the attention of the Law Commission to shortcomings in the Police Act and the Criminal and Evidence Code and had made suggestions for the drafting of other legislation.

12. In addition, the commission had issued several public statements on different aspects of human rights in Malawian society, including the indiscriminate killing of a minibus passenger by a police officer and massive corruption and fraud in the Ministry of Education. It had also spoken out on the threat of civil war and on intimidation and violence during elections. The commission's visits to prisons and police stations to monitor conditions in them had revealed problems of overcrowding, poor food and sanitation, delays before prisoners' cases reached the courts and non-segregation of juveniles and adults. The commission had sent its recommendations for solving those problems to the Ministry of Home Affairs and Internal Security. It had also carried out a number of promotional activities aimed at raising public awareness of human rights.

13. He stressed the importance of the role of the National Institutions Unit in the Office of the High Commissioner for Human Rights and said that, in future, the Unit should be funded from the regular budget.

14. Mr. MONDINO (National Ombudsman of Argentina) said the gap between the large body of theory on the protection of human rights and the day-to-day reality had been exacerbated by the effects of globalization, with violations of the rights to food, health and education perhaps claiming more victims than armed conflicts. Globalization had led to unprecedented wealth and

technical progress in the developed countries, but also to higher and higher numbers of homeless and unemployed people with no access to medical care in the developing countries. However, even in the rich countries, not everyone enjoyed a satisfactory standard of living, while, in Latin America, it was expected that over half the population would soon be living below the poverty line. Globalization was thus increasing inequalities within societies. Moreover, globalization overrode all opposition, leaving the financial markets to dictate the rules, Governments to apply them and the people to put up with them. The question was therefore what level of inequality could be tolerated in a democracy. To answer that question, fresh thinking was needed: in terms of human rights, that meant finding ways to increase life expectancy for the underprivileged. A change of attitudes by decision-makers was also necessary at both the national and the international levels. The challenge was to bring about a harmonious convergence between human rights, economic development and democracy; to achieve that would require a determined worldwide effort.

15. He drew attention to a case in which a Guatemalan of Jordanian origin, Mr. Imad Mahmoud Shaban, had refused to return his children to their mother, the Argentine Ms. Gabriela Arias Uriburu, in contravention of the Inter-American Convention on the International Return of Children and despite all the efforts of the Argentine authorities. He called on the Government of Jordan to cooperate fully in the search for a solution that would allow the children to rejoin their mother.

16. Ms. NAVARRETE-RECIÑA (Commission on Human Rights of the Philippines) said that one of the innovations in the Constitution introduced after the Philippine people's successful revolt against dictatorship in 1987 had been the establishment of the Commission on Human Rights of the Philippines to bolster the country's system of checks and balances. She believed that the commission's constitutional mandate more than met the standards of the Paris Principles. It strove both to prevent human rights violations and to defend victims. Its activities included meetings with government agencies and non-governmental organizations to discuss issues such as urban poverty and law and order. It was running a number of major programmes, including the Philippine Human Rights Education Decade programme, under which detailed human rights educational modules had been developed. Unfortunately, the modules had not yet been printed because of lack of funds. The commission was planning to share the results of its work in a regional workshop later in the year.

17. In the belief that good governance could take root only if government officials became human rights advocates and civil society was a vigilant partner, the commission had also developed, with the help of experts from universities, NGOs and governmental organizations, modules on peace and human rights for local government leaders and civil servants. Again, however, it lacked the funds to print the modules and to train a sufficient number of trainers to reach all of its target audiences.

18. The Philippine commission responded to changes in the world by encouraging all staff members to carry on learning about human rights and by training them in the use of new technology so that they could provide a truly professional service. Its intention was not only to bring innovative programmes to its target audiences at home, but also to produce programmes designed to contribute to a better world for all.

19. Mr. SIPAUN (Human Rights Commission of Malaysia) said that the main functions of the year-old Malaysian commission were to raise awareness about human rights, advise the Government on the human rights dimension of legislation and on accession to international human rights treaties and investigate complaints of human rights violations. The Government had never tried to dictate to the commission, which had quickly become a household name in Malaysia following its investigation into allegations of police brutality during a demonstration by opposition parties in November 2000. Some reservations had been expressed by the Attorney-General and some police officers about the locus standi of the commission, but that was understandable given that it was the first time such an open investigation had been held in the country. Among its other activities, the commission had issued a statement calling for the release of seven political activists, declared 9 September the national human rights day and submitted its first annual report to parliament. The very fact that an independent human rights commission existed in Malaysia represented a giant step forward for the country.

20. Ms. FALARDEAU-RAMSAY (Canadian Human Rights Commission) said that the importance of cooperation between national human rights institutions was self-evident. The recent establishment of the Network of National Human Rights Institutions of the Americas was therefore a step in the right direction. At the forthcoming World Conference against Racism, those institutions must be accorded a role and status befitting their importance as tools for combating discrimination. Moreover, the National Institutions Unit in the Office of the High Commissioner for Human Rights should be adequately funded from the regular budget of the United Nations.

21. Canada was a multiracial society, but that did not mean it was immune to racism and an invidious form of intolerance. In its review of the Canadian Human Rights Act, the commission had found that the pay equity provisions of the Act had not been very effective and had recommended that social status should be added as a ground for discrimination. The commission had also expressed concern that some children, people with disabilities and aboriginal peoples still did not enjoy the economic, social and cultural rights to which Canada was committed and that racial minorities were significantly under-represented in the civil service. The challenge facing all national human rights institutions was to make the rights of the common people to dignity and equality, which had never before been so prominent in world affairs, into a reality.

22. Mr. SHORT (Ghana Commission on Human Rights and Administrative Justice) said that, notwithstanding the ratification of international human rights instruments protecting economic, social and cultural rights, the survival rights of millions of people continued to be routinely violated. National human rights institutions could contribute immensely towards improving the quality of life of poor communities by investigating and providing remedies for violations of economic, social and cultural rights, enhancing public awareness of those rights and monitoring government policies and programmes affecting those rights. In the previous year, the Ghanaian commission had been focusing on those rights as they affected maternity-leave benefits, education and medical care. For example, it had ruled that a clause in the contract of air hostesses working for the national airline, stipulating that they should not get pregnant within the first three years of their employment, should be removed. It also regularly advocated on behalf of poor and marginalized groups with a view to influencing government policies affecting them

and had issued statements on how those policies eroded the economic and social rights of citizens by making good-quality education and health care inaccessible to the majority of Ghanaians.

23. The commission had campaigned vigorously against ethnic prejudices and tribal discrimination and had helped achieve the liberation of around half of the "Trokosi" women and children held in bondage to atone for the alleged sins of their relatives. Its activities included efforts to educate the public about environmental rights, so that people did not lose their livelihood without adequate compensation when mining and building companies polluted water or evicted farmers.

24. He joined those calling for a regular budget allocation for the National Institutions Unit and ended with a quotation from the former Secretary-General of the British Commonwealth, Sir Shridath Ramphal, pointing out that human rights had no meaning for people who were hungry or struggling for survival and that efforts to protect their rights should begin at the grass-roots level.

25. Mr. VERMA (National Human Rights Commission of India) welcomed the increasing importance attached by the Commission on Human Rights and other United Nations forums to national human rights institutions, which played a crucial role in harmonizing national and international human rights standards and ensuring compliance with them. It was heartening to observe that impressive examples of cooperation between those institutions were on the increase at the bilateral, regional and international levels.

26. In the run-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Indian commission was organizing two seminars, to which it would be inviting the widest possible cross section of civil society. The commission had successfully opposed a draft bill on the prevention of terrorism on the grounds that, if enacted, it would have been inimical to the protection of human rights and it was currently studying the human rights implications of a draft bill on freedom of information. It had made recommendations to the Indian Government with regard to accession to international human rights conventions and the adoption of new national legislation. As a result, the Government had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, but legislation was still needed to deal with refugee questions in a manner consistent with internationally recognized principles. At the suggestion of the High Commissioner for Human Rights, the commission had recently designated a focal point to combat trafficking in women and children. It had also established a group of medical practitioners and scientists to advise it on health-related matters. In the area of human rights education, it had published a handbook on human rights for judicial officers and established a Chair for Human Rights Studies at the National Law School of India University in Bangalore.

27. In addition to its ongoing work in promoting and protecting civil liberties, proposing reforms in the criminal justice system and reviewing legislation, the commission had intervened in the aftermath of the cyclone in Orissa and the earthquake in Gujarat to ensure that the most vulnerable were not the least protected. The large increase in the number of complaints submitted to it was evidence of the faith of the people of India in the remedies it provided.

28. Mr. GUENNOUN (Conseil Consultatif des Droits de l'Homme (CCDH), Morocco) said that CCDH had just undergone a major reform which had extended its scope and strengthened its independence. It had been entrusted by the King of Morocco with responsibility for dealing with the question of enforced disappearances and it had collected and verified data from many different sources before recommending compensation for survivors or victims' families. An independent arbitration body was dealing with the payment of compensation. At the behest of the King, that body was also dealing with the question of arbitrary detention, concentrating initially on establishing procedures to guarantee a fair hearing for claimants and classifying compensation claims according to the seriousness of each case. The number of cases to be dealt with was low in relation to the numbers in other countries and the necessary preventive action was already being taken.

29. With regard to the prevention of human rights violations generally, CCDH had handled several hundred complaints in the past year, inspected conditions in prisons and reviewed legislation relating to human rights and fundamental freedoms. It had promoted a human rights culture by organizing workshops on issues such as the rights of people with disabilities and by providing training courses for law enforcement officials. It had also published a study on the Moroccan legal system and the Universal Declaration of Human Rights. At the international level, it had organized the fifth international meeting of national human rights institutions, a conference on the disabled and a symposium on human rights education and had held numerous bilateral consultations.

30. Ms. SEKAGGYA (Uganda Human Rights Commission), referring to some of the areas in which the Ugandan commission had had some success in the past year, said that it had launched its corporate plan for 2001-2003, emphasizing four priority areas: the establishment of a regional presence; more effective ways of handling important issues, for example by conducting public hearings and circuit tribunal hearings around the country; effective communication, including through the publication of an annual report; and improved management and human resource capacities. It had played a major role in preparing the public for the referendum on the country's political system and had designed a special media strategy to urge voters in the presidential elections to remain peaceful.

31. As a result of the commission's proactive approach to its dealings with the country's security forces and its emphasis on joint planning of human rights education, the security forces had a better appreciation of the commission's work and were cooperating with it in the production of human rights training manuals for each force. It was working with the Government, NGOs and civil society to support the Government in fulfilling its reporting obligations under international conventions and treaties. At the same time, it was endeavouring to learn from the experiences of other national institutions. The number of complaints it had to deal with had been steadily increasing as a result of its human rights education activities, although there was still much work to be done in raising awareness in rural areas, and one of its priorities was to process those complaints more efficiently.

32. Mr. DICKSON (Northern Ireland Human Rights Commission) said that the Northern Ireland commission had been less effective than it would have liked because of shortcomings in the statutory provisions governing it. It had also been obstructed in its work by the refusal of government departments, the police and other public authorities to disclose

information. Its report to the United Kingdom Government had recommended that the commission should be empowered to compel the production of evidence during its investigations and to intervene in court cases and also that it should be given sufficient resources. While awaiting a response to those and other recommendations, the commission was seeking to appeal a High Court ruling that it could not intervene in court cases to the House of Lords, the highest court in the United Kingdom.

33. The commission continued to call for an independent public judicial inquiry into the murder of the solicitor Mr. Frank Finucane and believed a similar inquiry might be required in the case of the murder of the solicitor Ms. Rosemary Nelson.

34. The commission pursued its goal of ensuring that all laws, policies and practices in Northern Ireland were measured against international human rights standards by examining draft legislation, conducting investigations into matters such as the treatment of children in juvenile justice centres and carrying out research into the rights of groups such as older persons or homosexuals. It had assisted many people in court proceedings involving human rights issues and had made a submission to the European Court of Human Rights concerning a group of cases dealing with the right to life.

35. The commission welcomed the establishment of a Police Ombudsman for Northern Ireland, but was disappointed with the human rights training provided to police officers and with the unwillingness of the police to accept the commission's advice on a range of issues.

36. The commission had devoted much of its energy in the past year to consulting the public on a possible bill of rights for Northern Ireland to supplement the European Convention on Human Rights, as provided for in the Belfast (Good Friday) Agreement, and to considering the applicability of the Convention to many issues. It had set up a project to protect the rights of all victims of violence to information and compensation and had urged the Government of the Republic of Ireland to establish a human rights commission as quickly as possible so that a charter of rights for the whole island could be drawn up by the two commissions. Although the commission was able to take completely independent positions on human rights issues, he could not agree with the Secretary of State for Northern Ireland when he claimed that Northern Ireland was transforming itself into a world leader in the protection and promotion of human rights.

37. Mr. PITYANA (South African Human Rights Commission) said that racism continued to permeate every aspect of South African society in direct and indirect, institutional and systemic ways, threatening to undermine democracy and the credibility of the country's Constitution. The National Conference on Racism, convened in Johannesburg in August 2000 by the South African commission, had adopted the South African Millennium Statement, which had become the basic tool for planning strategies to curb and eliminate racism. At the urging of the National Conference, the South African Parliament had declared the period 2001-2010 the Decade for National Mobilization against Racism. The forthcoming World Conference against Racism would add further impetus to the efforts already under way in South Africa.

38. The problem of racism could not be isolated from other forms of inequity in society. Disabled people, for example, faced not only prejudice, but also an environment of silence, ignorance or shame that thwarted their attempts to better themselves and assert their human

dignity. The commission had appointed a national commissioner on the rights of people with disabilities and was working with other agencies and activists to develop a more caring environment for disabled people. It also intervened regularly to ensure that the grants to which disabled people were entitled were not arbitrarily withdrawn or unduly delayed.

39. With the passage into law of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, South Africa now had a legislative framework which gave effect to the right to equality laid down in the Constitution. Special "equality courts" would be established later in the year to hear cases involving discrimination. The commission was involved in training judicial officials for the courts and would be the principal agency for referring cases to them. Given that what was needed was a change in societal mindsets, a national institution like the commission was best placed to encourage new ways of thinking by providing training and raising public awareness.

40. He paid tribute to the High Commissioner for Human Rights, Mrs. Mary Robinson, and her staff for supporting the work of the South African commission and endorsed her call for adequate budget resources to allow her Office to function effectively.

41. Mr. LAWRENCE (New Zealand Human Rights Commission) said that the Paris Principles were only a minimum standard and the New Zealand commission was therefore currently engaged, together with other national institutions, in a project to establish a set of best practice guidelines for such institutions. The commission was also actively engaged in the development of an international network of national institutions and in a project to develop and strengthen the Asia-Pacific Forum of National Human Rights Institutions.

42. On the domestic front, the New Zealand commission, which was independent of the Government, continually upheld international human rights instruments in public debates and in its submissions to parliament. It could take some credit for the New Zealand Government's very good record in ratifying and complying with those instruments.

43. National human rights institutions needed to commit themselves to effective strategic planning, to prevent them from slipping into a reactive mode and to ensure that they gave priority to systemic issues and allocated a suitable share of the available resources to educational work. In countries where human rights abuses were widespread, institutions needed support from the international community and regional groupings of human rights institutions. The emerging trend to have the work of the institutions systematically evaluated, including through independent external assessment, should be encouraged, as the systematic evaluation of outcomes helped them to optimize their performance and reassured stakeholders.

44. He joined other speakers in calling for the national human rights institutions to have speaking and voting rights at the World Conference against Racism, in recognition of their independent and important role. He also supported the calls for specific provision to be made in the United Nations budget for the National Institutions Unit in the Office of the High Commissioner for Human Rights.

45. Mr. Despouy (Argentina) resumed the Chair.

46. Mr. SHAHAB (Bahrain Consultative Council Human Rights Committee) said that, in its short existence, the Bahraini Human Rights Committee had dealt with complaints related to employment, housing, detention and the acquisition of Bahraini nationality. However, it was not seen as merely a complaints mechanism by the public, but, rather, as a "public conscience" and it had already earned the respect of State institutions. It had held meetings with human rights activists, attended international conferences and cooperated with regional and international human rights organizations. It had sent a delegation to the United Kingdom to learn from the experience of human rights organizations there and discuss ways to improve the human rights aspects of Bahraini legislation, As a result, it had made several recommendations to the Government, suggesting changes to the laws on housing and passport applications in order to remove discrimination against women. It had also recommended the introduction of a personal status law and accession to the Convention on the Elimination of All Forms of Discrimination against Women.

47. The commitment to human rights shown by the Emir of Bahrain, Sheikh Hamad Ben Aissa Al Khalifa, in introducing a citizens' charter guaranteeing the rights to freedom of expression, equality and equal opportunities provided a basis for the return of those who had fled the country and the release of political prisoners, as well as for the granting of Bahraini citizenship to those eligible for it.

48. Mr. ORTON (Human Rights Ombudsman of Bosnia and Herzegovina) said that the adoption of the Paris Principles had triggered an impressive increase in the establishment of national human rights institutions around the world, thanks in no small measure to the work of the National Institutions Unit in the Office of the High Commissioner for Human Rights. It was unfortunate that the Unit's work was not reflected in the regular budget, even though a number of government representatives had welcomed that idea when it had been floated a few years earlier. He therefore joined others in calling for the National Institutions Unit to be included in the regular budget of the Office of the High Commissioner for Human Rights as from the next budget year.

49. Mr. CITARELLA (National Committee for Human Rights, Italy) said that the Italian National Committee had originally been set up to enable Italy to meet its reporting obligations under various human rights instruments, but it had developed into a body with a far broader scope, acting as a reference point for all the human rights activities of international and regional organizations and ensuring that Italy complied with the provisions of international human rights instruments. Its composition reflected its mandate, its members representing government organs such as ministries, academics and specialized institutions in the field of human rights.

50. Working groups had been set up for every convention or instrument ratified by Italy and the Committee suggested measures in response to the recommendations of "ad hoc" treaty bodies. It also made recommendations to the Government on specific subjects, such as the introduction into Italian legislation of the crime of torture or the creation of the office of a national ombudsman. However, the most significant development was the Committee's new role as the national focal point for international aspects of human rights. It had, for example, been the lead organization in Italy in the preparations for celebrating the fiftieth anniversary of the Universal Declaration of Human Rights.

51. In recent years, the Committee had gradually intensified and institutionalized its cooperation with national and international NGOs. Such cooperation had been especially important in the preparations for events such as the European Regional Preparatory Conference for the World Conference against Racism. The Committee had also been involved in organizing round tables and seminars on human rights and prepared an annual report to parliament on human rights in Italy. Parliament's decision to allocate funds directly to it, rather than leave it to rely on funds from the Ministry of Foreign Affairs, was a reflection of the Committee's new standing.

52. Mr. OMO (National Human Rights Commission of Nigeria) said that the Nigerian commission had been set up to facilitate Nigeria's implementation of its various human rights treaty obligations and to promote and raise awareness of human rights issues. He gave details of the commission's mandate, which included: monitoring and investigating cases of human rights abuses in Nigeria; assisting victims of such abuses and seeking redress and remedies on their behalf; helping the Government to formulate human rights policies; organizing local and international seminars and workshops on human rights issues; and collecting and disseminating data on human rights.

53. Doubts had often been expressed about the credibility of the commission, as it had been set up by a military regime, but the new governing council appointed by the democratic Government and the commission itself, through its actions, had done much to allay those doubts. The commission offered an inexpensive, non-technical procedure for the redress of complaints of human rights violations. It educated the public at large, sensitized government officials and provided specialized training for groups such as the police and prison officers. It had also made effective recommendations to the Government on such important issues as the administration of the criminal justice system, prison reforms and communal conflicts. It had good relations with local and international non-governmental human rights organizations.

54. However, the commission was not complacent about its success and the problems that lay ahead for a country like Nigeria, with its cultural and historical variables, were daunting. He was optimistic about the future, given the Government's positive attitude towards the eradication of poverty and corruption. Some of the programmes the commission was planning included amending the National Human Rights Act, developing a national plan of action in the field of human rights, establishing a trust fund for the victims of human rights violations and developing a public education programme. The commission had also appointed special rapporteurs to cover the main thematic areas on which it would be focusing in the coming two years. The main constraints facing the commission were inadequate funding and infrastructure; enhanced independence and better-trained staff would enable it to better discharge its mandate.

55. The discussions between the needs assessment team from the Office of the High Commissioner, which had visited Nigeria earlier in 2001, and the Government, the commission and NGOs had been very useful. He hoped that the team's report would be acted on immediately with a view to extending much-needed advisory and technical services to the commission.

56. Mr. HASIBUAN (Indonesian National Commission on Human Rights) said that, in its transition to a system of pluralist democracy, Indonesia had made significant progress in developing a legal basis to redress human rights violations, notably through the enactment of the law on a human rights tribunal and the decision by the House of Representatives to establish an ad hoc tribunal to adjudicate on documented cases of human rights violations in East Timor and Tanjung Priok. However, there were major obstacles to the promotion and protection of human rights in Indonesia, including communal conflicts, bomb explosions, labour unrest and cases of people taking the law into their own hands. Communal conflicts sometimes had ethnic and religious connotations or involved armed separatist movements, as in Aceh and Papua, and resulted in torture, rape and violations of the rights to life and personal security. The Indonesian commission was carrying out a full investigation into the reported violations in Papua.

57. Indonesia had entered a new era in the promotion and protection of human rights as a result of the introduction of an article on human rights into the Constitution. While the new article did not entirely adopt the human rights norms set forth in the Universal Declaration of Human Rights, it did cover a large number of human rights principles, including non-discrimination and non-derogable rights. However, it also included the non-retroactive principle, which, in the commission's opinion, should be reviewed to take account of the aspirations of victims and society at large regarding the need to redress past human rights abuses.

58. The commission strongly believed that the promotion and protection of human rights should be an integral part of the reform process leading to a more democratic system in Indonesia and thus supported the Government's national plan of action on human rights and was encouraging it to ratify the International Covenant on Civil and Political Rights and its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights. It also assisted the Government in integrating human rights norms into Indonesian law. At the same time, it was aware of how important it was to increase public awareness of human rights and, to that end, would continue to develop synergistic partnerships with civil society and the Government.

59. Ms. RAHANTANIRINA (Madagascar) said that basic needs in terms of food, housing, health and education had to be met if human rights were to be respected, while human rights were fundamental to the maintenance of the rule of law. Her Government had therefore set up the National Human Rights Commission to try to overcome obstacles to the full enjoyment of human rights. The commission was an independent body with the power to instigate investigations on its own initiative. Its six sub-commissions were responsible for giving advice, bringing domestic legislation into line with international instruments, producing national reports, monitoring human rights education, raising public awareness and dealing with complaints. The commission consisted largely of representatives of NGOs and human rights organizations; it also included three human rights experts and six non-voting Government representatives.

60. In the past year or so, the commission had organized the celebrations to mark the fiftieth anniversary of the Universal Declaration of Human Rights, which had included exhibitions, visits to United Nations offices, nationwide competitions on human rights and radio and television programmes. In the capital, it had helped disadvantaged children to obtain replacement birth certificates and had campaigned to raise awareness of human rights violations.

It had organized round tables and helped train counsellors, health workers and legal assistants in human rights matters. It had held a seminar on human rights for gendarmes and taken part in various technical cooperation activities organized by the Office of the High Commissioner.

61. The sub-commissions had started up in July 2000 and were working on the ratification and implementation of various international and regional human rights instruments. The commission was committed to regional and international cooperation and had been represented at several regional conferences, including the Organization of African Unity (OAU) Ministerial Conference on Human Rights in Africa.

62. The future work of the commission would include strengthening its relationships with human rights NGOs, helping set up NGOs specialized in particular areas of human rights, such as the rights of the child, and organizing workshops, publishing information and producing radio programmes on human rights issues. In everything it did, the commission was guided by its main objective, which was to make every citizen aware of his or her human rights.

63. Mr. WIERUSZEWSKI (Poland) said that the achievements of the United Nations human rights treaty system - which had covered the whole world in an astonishingly short period of time - could not be measured only by the number of ratifications of international instruments. In any respects, the universal human rights system was a dead letter and to make it more effective would require a more imaginative approach from the Commission on Human Rights.

64. One of the main problems with the human rights treaty system concerned reporting procedures. Chronic late submission of reports and large backlogs in dealing with the reports that had been submitted meant that, paradoxically, the reporting system was functioning only because many States neglected their reporting obligations. The quality of reports, States' willingness to implement treaty bodies' recommendations and the involvement of civil society in the reporting process were also problematic. Some efforts had been made to solve those problems, particularly by the Human Rights Committee, which had introduced a more flexible new procedure under which a State party might be given more time to submit a more focused report, but, in reality, all treaty bodies had abandoned the practice of applying uniform reporting guidelines to all States parties - in some cases, even though that entailed not respecting the provisions of the treaty concerned.

65. States parties shared the responsibility for ensuring that all of them fulfilled their reporting obligations. To begin with, they should see to it that all treaty bodies had adequate resources to do their work. The new procedure followed by the Human Rights Committee deserved their full endorsement. Treaty bodies should be given more discretion over the periodicity and content of reports and the chairpersons of the treaty bodies should cooperate more closely in order to ensure that, as a rule, a State party would be scheduled to appear before a treaty body once a year, rather than several times or not at all. The Office of the High Commissioner should be encouraged to continue expanding and improving its technical assistance activities to help States build the infrastructure they needed if they were to fulfil their reporting duties. However, where failure to report was the result of a lack of political will, a more robust approach was needed: perhaps meetings of States parties to the various treaties could request States whose reports were more than five years overdue to submit their reports

immediately; the voting rights of those with long overdue reports could be suspended in elections for new members of the treaty body; or a treaty body could consider the situation in a given country even in the absence of a report.

66. It was a matter of serious concern that the very modest caseload of individual communications should produce a backlog of several years and that States parties were prepared to provide a remedy in only 20 per cent of cases disclosing a violation. The High Commissioner's recent decision to establish a petition team of experienced lawyers to help treaty bodies handling individual communications was a welcome step in the right direction, but the team needed more resources, which should be drawn from the regular budget. Some improvements could be achieved by improving treaty bodies' methods of work and members of treaty bodies could be expected to devote more time to individual communications. Serious consideration should also be given to the proposal to amend the Optional Protocol to the International Covenant on Civil and Political Rights so as to make the Committee's jurisdiction discretionary except in cases of capital punishment. More should be done to ensure that the views of treaty bodies were respected, as the refusal to act on them undermined the legitimacy of the whole treaty system. In particular, more transparency in the follow-up procedure would be desirable. A collective effort was needed to make sure the human rights treaty system was functioning as it should, for the benefit of all human beings.

67. Mr. THIOUNE (Senegal) said that the specific references in the new Senegalese Constitution to the Universal Declaration of Human Rights and other international instruments to which Senegal was a party were evidence of the importance his Government attached to human rights. The protection of human rights involved taking a firm stance against violations and providing assistance to victims, while the promotion of human rights was a question of education; in both cases, State actors had to work alongside non-State actors such as NGOs.

68. A number of national institutions in Senegal were involved in the promotion and protection of human rights. The new Office for Human Rights and Peace received complaints relating to human rights from individuals or organizations, followed up government action and promoted the sensitization and training of State officials in the area of human rights. In cooperation with the relevant ministries, it also prepared Senegal's periodic reports to treaty bodies. There was also an inter-ministerial commission on human rights and peace, which coordinated government human rights policy, ensured that complaints were dealt with by the relevant ministry and monitored the promotion of human rights in schools, universities and military training establishments. The Senegalese Human Rights Committee studied human rights questions and, where necessary, coordinated the activities of NGOs. The Institute of Human Rights and Peace was responsible for human rights education and the training of judges, lawyers, teachers, doctors and other professionals in human rights matters, as well as for carrying out research and information campaigns and organizing national and international seminars.

69. The task of all those institutions was to protect the population from human rights violations and to assist the Government in implementing its human rights policies and educating the public. Senegal was committed to the promotion and protection of human rights as one way to consolidate the rule of law and was working with other African States to harmonize their domestic legislation in that area.

70. Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland), speaking in exercise of the right of reply, said that her Government was fully committed to the implementation of the Good Friday Agreement and she could not accept the assertion that government departments had obstructed the Northern Ireland Human Rights Commission in its work. The Government always did its utmost to give the commission access to the widest possible range of information and, when information had to be withheld to protect an individual's right to privacy, for instance, it always specified the reason.

71. She took note of the commission's call for greater powers and said that the Government was currently considering the commission's recommendations on ways to improve the commission's effectiveness. The best way to bring the murderers of the solicitors Mr. Frank Finucane and Ms. Rosemary Nelson to justice was to allow the police investigations currently under way to run their course. However, the British Government had not ruled out any options and would consider the possibility of holding a public inquiry into the murders once those investigations had been completed.

The meeting rose at 9 p.m.